

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ELIZABETH McNAIR, Administrator Ad  
Prosequendum of the ESTATE OF DARRELL  
SMITH, and ELIZABETH McNAIR,  
Individually,

Plaintiffs,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

**CASE NO. 2:21-cv-01291-WJM-CLW**

**CIVIL ACTION**

**STIPULATION OF DISMISSAL  
WITHOUT PREJUDICE AS TO  
MARZETTIE SHAMBERGER**

Elizabeth McNair Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, Individually ("Plaintiffs"), and Defendant Marzettie Shamberger ("Defendant Shamberger"), hereby stipulate and agree as follows:

1. All Counts of the Second Amended Complaint are dismissed without prejudice against Defendant Shamberger only, with each party to bear their own costs, including any attorneys' fees and other expenses of this litigation with respect thereto.

2. Accordingly, there are no remaining claims against Defendant Shamberger, who is hereby dismissed entirely from this action without prejudice.

3. Defendant Shamberger further agrees that if Plaintiffs choose to re-file the above-referenced action against him, Defendant Shamberger will not assert the Statute of Limitations as a defense to such re-filed action.

4. Plaintiffs have not received, and will not receive, any monetary consideration in connection with this voluntary dismissal.

HINSON SNIPES, LLP  
116 Village Blvd, Suite 307  
Princeton, New Jersey 08540  
(609) 452-7333  
*Attorneys for Plaintiffs*

ATTWOOD CORLETT LLC  
1 Kalisa Way, Suite 207  
Paramus, NJ 07652  
(201) 979-0010  
*Attorneys for Defendant  
Officer Marzettie Shamberger*

By: TRACY HINSON  
Tracey C. Hinson, Esq.

By: s/Dawn Attwood  
Dawn Attwood, Esq.